

wherein said second relay lens focuses the light reflected from said pinhole mirror onto said imaging unit.

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REMARKS

Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested.

The Applicant wishes to thank Examiner Morgan for the in person interview held between the Examiner and the applicant's representative, Jerome R. Smith, Jr., on October 14, 1998. In the interview, claim 17 was discussed in view of the arguments asserted below. Although agreement was not reached, these arguments were to be considered upon the submission of this paper (a formal amendment) and in view of an updated search.

Initially, the applicant has amended drawing Fig. 13 by adding element label 168, for the measurement support 168, as referred to in the specification at page 8, line 13. This amendment is made in red ink. Approval is requested.

Claims 17-19 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Claims 17 and 19 have been amended in accordance with the Examiner's suggestions and it is respectfully asserted that these claims are now proper under 35 U.S.C. §112, second paragraph. It is also respectfully asserted that claim 18 is proper under 35 U.S.C. §112, for the same reasons as claim 17, on which it depends.

Claims 17 and 18 were rejected under 35 U.S.C. §102(b) as anticipated by Lustig, et al. (U.S. Patent No. 5,433,651) (Lustig).

Initially, please note that anticipation under 35 U.S.C. §102(b) is not possible, for the instant patent application is a continuation of U.S. Patent Application S/N 08/497,382, filed June 29, 1995. This filing date is prior to the July 18, 1995 issuance date of Lustig, and therefore, any anticipation rejection must be made under

35 U.S.C. §102(e).

Independent claim 17 is directed to a wafer polishing apparatus that includes an optical measurement station with an optical thickness measuring unit that measures the thickness of the top layer of the wafer when the wafer is in the liquid holding unit. This optical thickness measuring unit assists in the determination of the completeness of the wafer polishing process.

Lustig employs reflectance measurement means 74, that use a reflectance measurement, from a reflection off of the polished wafer surface, to determine the completeness of the wafer polishing operation, based on the degree of shine (shininess) of the wafer surface. These reflectance measurement means 74 measure the path of incident light and include an incident light beam detector having a beam splitter 90 and a photodetector 92. Once the incident light path is determined, the reflectance means 74 provide a reflectance signal corresponding to a prescribed condition of the polishing process, such as a polishing endpoint. Lustig Specification at col. 5, lines 6-11.

Based on the discussion above, Lustig does not show any structure that measures thickness of the top layer of the wafer. Moreover, Lustig does not teach or suggest any equivalent or analogous structure, as it is directed to detecting the degree of surface shine, and not to measuring surface or surface film thickness. Accordingly the structural combination recited in claim 17 is not anticipated by Lustig under 35 U.S.C. §102(e).

Since claim 17 is not anticipated by Lustig under 35 U.S.C. §102(e), claims 18 and 19, dependent thereon, are also allowable for the same reasons as above. These claims further distinguish the invention over the cited art.

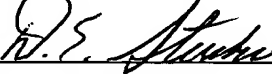
The applicants note the Examiner's allowance of claim 19, if rewritten in independent form to include the limitations of the base claim and any intervening claims.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at (408) 453-9200. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Allowance of all pending claims is respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231,

on November 2, 1998.

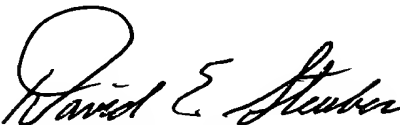


Attorney for Applicant(s)

11/2/98

Date of Signature

Respectfully submitted,



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